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EXAMINER

REKSTAD, ERICK J

ART UNIT PAPER NUMBER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/691,483
Filing Date: October 22, 2003
Appellant(s): BLANCO ET AL.

Karin L. Williams
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 14, 2006 appealing from the
Office action mailed October 5, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|-----------------|----------------|--------|
| 5794164 | Beckert et al. | 8-1998 |
| 2003/0095688 A1 | Kirmuss | 5-2003 |

2003/0112929 A1

Chuang

6-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 12-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication US 2003/0095688 A1 to Kirmuss in view of US Patent Application Publication US 2003/0112929 A1 to Chuang and further in view of US Patent 5,794,164 to Beckert et al.
[claims 1, 2, 12, 18 and 19]

As shown in Figures 2 and 3A, Kirmuss teaches an in-car video system. The system comprises a video camera (310, Fig. 3A) fixably mounted to a vehicle for capturing an image of an event and producing a corresponding video stream (Paragraph [0132] on page 10); a digital video recorder (204, Fig. 2) fixably mounted to the vehicle (Paragraphs [0129], [0131], [0152] and [0155]); and a controller (290, Fig. 2) coupled to the video recorder to control writing of data that is representative of the video stream to the removable IDE Hard Drive (118, Fig. 2) to thereby generate a stored video record of the event (Paragraphs [0139]). Kirmuss further teaches though a removable hard disk is shown it is envisioned that other digital recording media such as memory

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sticks and the like are useable in conjunction with, or in place of, the one or more removable IDE hard disks (Paragraph [0224]). It would have been obvious to one of ordinary skill in the art to use a hard drive, CD-R drive or memory sticks as the storage means as Kirmuss teaches them all as possible storage means. Kirmuss does not teach the memory sticks are flash memory.

Chuang teaches the use of Compact Flash, memory sticks, secure digital memory cards or tapes for storing video (Paragraph [0009]). It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the memory sticks of Kirmuss with the Compact Flash recording means of Chuang as they can both be used to store video as taught by Chuang.

Kirmuss further teaches the use of the embodiment in a compartment smaller than a PC or VCR-based system and accordingly may be installed in most compartments of the carrier vehicle (Paragraph [0152], Fig. 2). Kirmuss further teaches that for a motorcycle the embodiment may be mounted in a sealed radio compartment saddle (Paragraph [0152]). Kirmuss does not specifically teach the installation in a DIN sized opening. Beckert teaches a vehicle computer system containing a smart media card reader sized to fit the standard DIN form factor in order to replace a conventional sound system in the dashboard (Col 2 Lines 2-21 and Col 3 Lines 5-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the DIN size housing of Beckert with the system of Kirmuss and Chuang in order to place the system in the dash. It would have been obvious to one of ordinary skill in the art at the

time of the invention that using a housing with the single DIN size the housing would also fit a 1.5 and double DIN housing.

[claims 3 and 4]

As shown above, Chuang teaches the use of Compact Flash, memory sticks, secure digital memory cards or tapes for storing video (Paragraph [0009]). It would have been obvious to one of ordinary skill in the art at the time of the invention to use any of the storage means as they can all be used to store video as taught by Chuang.

[claims 13-16]

Kirmuss further teaches the reading of the data on the high-capacity storage medium in order to transfer via a wireless connection to a database of a central base station (Paragraph [0158]). Kirmuss further teaches the uploading of the video by connecting the high-capacity storage medium to an external PC (Paragraph [0161]). Kirmuss teaches the removal of the high-capacity storage medium in order to transfer the contents to a central storage system (Paragraph [0162]). Kirmuss further teaches the replay of stored digital video on a display in order to allow the police officer to obtain such information as license plate of a pursued vehicle (Paragraphs [0137]-[0139]). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Kirmuss, Chuang and Beckert with the transmitting method of Kirmuss in order to transfer the store video to a central storage system.

[claim 20]

Kirmuss further teaches the use of multiple high capacity storage devices in order to provide additional recording time (Paragraph [0224]). It would have been

obvious to one of ordinary skill in the art at the time of the invention to combine the system of Kirmuss, Chuang and Beckert with the multiple high capacity storage devices as taught by Kirmuss in order to provide additional recording time.

(10) Response to Argument

The Appellant has argued the rejection claims 1-7, 12-16 and 18-20 with arguments directed to the combination of references used to rejected independent claims 1 and 12. Specifically, it is argued that there is no motivation to combine the teachings of Kirmuss and Chuang with Beckert.

As shown in Paragraph [0152], Kirmuss teaches key features of the housing of the system. The housing is smaller than either PC or VCR-based systems and may therefore be installed in most compartments of the carrier vehicle and may be mounted in a sealed radio compartment saddle or other carrier means of the motorcycle. Kirmuss further teaches the benefit of the unit being generally self-contained with a preferred embodiment including a heating and/or cooling system allowing the system to operate over a wide range of temperatures without the use of any openings into the cabinet.

Beckert teaches the use of a system that is mountable in the dashboard of the vehicle (Col 1 Line 65-Col 2 Line 3). Beckert teaches the installation of the system in place of a conventional car stereo (Col 3 Lines 5-20).

The Appellant argues that the teaching of the self-contained features of the enclosure teaches away from a motivation to combine the Kirmuss and Chuang references with Beckert. Specifically, Appellant states "Clearly, Kirmuss contemplates

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an environment for the DVR that is separate from that of the operator. In other words, Kirmuss very specifically teaches the need to heat and cool the DVR separately, whereby the DVR in the present invention is heated or cooled by the heating and/or air conditioner of the car as it is co-located with the operator inside the passenger compartment."

The Examiner notes that the claims state "comprising" in the preamble. According to MPEP Section 2111.03 Transitional Phrases, "comprising" is open-ended and does not exclude additional, unrecited elements or method steps. Therefore, the added feature of having a self-contained housing, taught by Kirmuss, does not render the combination of Kirmuss and Chuang with Beckert improper.

With regards to the Appellant's statement cited above, the Appellant's argument that the DVR would be heated and cooled by the car, as the DVR is co-located with the operator inside the passenger compartment is unsupported. Claim 1, makes no requirement that the DVR be located in the passenger compartment or that the temperature of the DVR be controlled by the climate control system of the vehicle. The claim states only that the DVR be "sized to fit substantially within a factory-sized radio opening" and that the DVR "is in a direct operative relationship with a user seated in the front seat of the vehicle". The Appellant seems to assume that all vehicles with a police package option contain such heating and cooling features. Since the vehicle has not been defined by the claim to be an automobile, the vehicle very well could be a motorcycle or other vehicle without air-conditioning and/or heater. Further, the claim does not require the DVR to be placed in the dashboard or in the radio opening of the

vehicle but merely that it is “sized to fit substantially within a factory-sized radio opening”. Therefore the feature taught by Kirmuss would provide the ability to mount the system in most compartments of a carrier vehicle without the need to worry about providing additional means for controlling the temperature of the DVR. Beckert further teaches the ability to produce a system, which is sized to fit substantially within a factory-sized radio opening.

Claim 12 provides the requirement that the DVR now be located in the dashboard area of the vehicle. The vehicle is still not required to be a car that has air-conditioning and heating features. The claim further does not require that the area behind the dashboard be temperature controlled by the air-conditioning and heating features of the vehicle in such a way that they would provide the required operating temperature of the DVR. As there is no requirement for the vehicle to control the temperature of the DVR it would appear that it would in fact be the responsibility of the DVR itself to maintain it's own operating temperature, which is taught by Kirmuss.

As shown above, the Appellant's arguments are based on assumed features of the vehicle that cannot be assumed and are further not claimed. Thus, the Appellant has not shown a persuasive argument to overcome the rejection of the claims based on the combination of Kirmuss, Chuang and Beckert.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Erick Rekstad



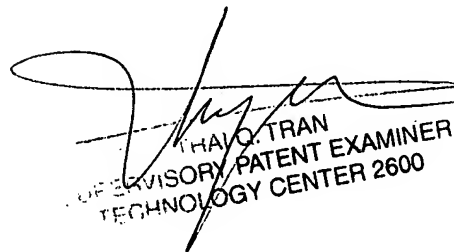
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